

Assistant Attorney General for Administration

February 6, 1973

Attention: Mr. Kenneth J. Stallo

Acting Director, FBI

#### REPORT ON EXCEPTED POSITIONS

In response to your communication of January 10, 1973, the following is being furnished concerning positions in the FBI.

All positions in the FBI are in the excepted service, excluded from the competitive service by statute. Support for placing all FBI positions in the excepted service is based upon the nature of the agency's responsibilities and attendant personnel requirements which could not be efficiently and effectively met in the competitive service. By way of background, there have been periods when certain positions in the FBI were not in the excepted service. From the inception of the Identification Division in 1924, Fingerprint Classifiers were secured through Commission referral. In addition, in 1938, an Executive Order placed all the stenographic, clerical and managerial personnel of the FBI under Civil Service effective February 1, 1939. On April 27, 1939, Mr. Hoover appeared before the Subcommittee of the Committee on Appropriations of the House of Representatives and strongly recommended positions in the FBI be placed in the excepted service. Subsequent to his appearance a rider was attached to the appropriation bill for the FBI to the effect that none of the funds appropriated for the Bureau were to be expended to pay the salaries of Civil Service employees, with the exception of the Fingerprint Classifiers, and the appropriation bill was passed in that form.

There then followed an Executive Order dated June 29, 1939 (amending the Civil Service rules) to the effect that during the period beginning July 1, 1939, and ending June 30, 1940, all positions in the FBI except Fingerprint Classifiers were placed in the excepted service. On June 3, 1941, President Roosevelt signed an Executive Order which exempted all positions in the FBI from the competitive service. The FBI appropriation bill approved for 1942 and each statute since has included that provision.

Code of Federal Regulations, Title 28, Chapter 1, Subpart X 0.137, which delegates authority to the Director of the FBI by the Attorney General, states that, with exception of the positions of Assistant Director and above, the Director of the FBI is authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employees, direction and general administration (including appointments, assignments, training, promotion, demotion, compensatory leave, classification and separation) of personnel, including personnel in wage board positions, in the FBI.

The role of the FBI has demanded that the investigative staff and supporting personnel measure up in terms of very high standards set in the areas of performance, character, loyalty, reputation, and associates to promote the most effective and efficient operation. The very nature of the Bureau's work responsibility, security considerations, and other factors fully justify and make essential our retention in the excepted service.

FBI REC. UNIT

**Assistant Attorney General for Administration**  
**Attention: Mr. Kenneth J. Stallo**

February 8, 1973

**Acting Director, FBI**

Civ. Service

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Mr. Felt \_\_\_\_\_  
 Mr. Baker \_\_\_\_\_  
 Mr. Callahan \_\_\_\_\_  
 Mr. Cleveland \_\_\_\_\_  
 Mr. Conrad \_\_\_\_\_  
 Mr. Gebhardt \_\_\_\_\_  
 Mr. Jenkins \_\_\_\_\_  
 Mr. Marshall \_\_\_\_\_  
 Mr. Miller, E.S. \_\_\_\_\_  
 Mr. Purvis \_\_\_\_\_  
 Mr. Soyars \_\_\_\_\_  
 Mr. Walters \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Mr. Kinley \_\_\_\_\_  
 Mr. Armstrong \_\_\_\_\_  
 Mr. Bowers \_\_\_\_\_  
 Mr. Herington \_\_\_\_\_  
 Mr. Miller \_\_\_\_\_  
 Mrs. Neenan \_\_\_\_\_

R.L.P.:lmm

(7)

REMOVED Feeney (Direct)  
 1 - Mr. Walsh (Direct)  
 1 - Mr. Burns (Direct)

MAIL ROOM

TELETYPE UNIT

Based on memo Feeney to Callahan, R.L.P.:lmm, 2-5-73.

## **Assistant Attorney General for Administration**

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